

Freedom of Information Act 2000 (Section 51)

Information notice

Date: **29 September 2021**

Public Authority: **The Council of Imperial College**
Address: **South Kensington Campus**
London
SW7 2AZ

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-96056-F5J7, for a decision whether a request for information made by the complainant to Imperial College ("the College") on 3 December 2020, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant has asked the Commissioner to make a decision as to whether or not the College has correctly applied section 40(2) and section 36(2) of the FOIA respectively to withhold information.
3. The College contacted the Commissioner on 29 September 2021 and asked her to issue an Information Notice in order to create a specific legal basis on which the withheld information can be shared.
4. The Commissioner is happy to issue an Information Notice to avoid an unnecessary delay to her investigation, but notes section 131 of the Data Protection Act 2018, which states that:

"No enactment or rule of law prohibiting or restricting the disclosure of information precludes a person from providing the Commissioner with information necessary for the discharge of the Commissioner's functions."

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the College shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - The report that the College has relied on the above exemptions to withhold.

Failure to comply

6. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF